

LABOR SERVICES DIVISION[875]

Notice of Intended Action

Proposing rule making related to beryllium standards and providing an opportunity for public comment

The Labor Commissioner hereby proposes to amend Chapter 10, “General Industry Safety and Health Rules,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 88.5.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 88.

Purpose and Summary

The Labor Commissioner is required by state law to adopt by reference changes to federal occupational safety and health regulations. This proposed amendment will adopt by reference the most recent in a series of changes to the occupational health standards concerning exposure to beryllium. The changes adopted by the federal Occupational Safety and Health Administration amend numerous definitions and clarify that certain methods of employee protection are not needed where only trace amounts of beryllium are present.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa. It is anticipated that compliance costs will be reduced for aluminum production facilities and coal-fired utilities as a result of the changes.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commissioner for a waiver of the discretionary provisions, if any, pursuant to 875—Chapter 5.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Commissioner no later than 4:30 p.m. on September 6, 2018. Comments should be directed to:

Kathleen Uehling
Division of Labor Services
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Email: kathleen.uehling@iwd.iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

September 6, 2018
10 a.m.

150 Des Moines Street
Des Moines, Iowa
(If requested)

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should telephone 515.725.5615 and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Amend rule **875—10.20(88)** by inserting the following at the end thereof:
83 Fed. Reg. 19948 (May 7, 2018)